

Josephine A. Adams  
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November 8th, 2011

Honorable John P. Bailey, Chief Judge  
US District Court for the Northern District of West Virginia  
1125 Chapline Street, Wheeling, WV 26003  
by Fed Ex  
Re: U.S. v Josephine Adams- Cr. No. 3:11-CR54

Dear Judge Bailey:

By this letter I hereby request that the charges against me be dismissed because under the present circumstances I cannot receive a fair trial.

- (1) I had previously asked that you replace my attorneys-Mr. Leary and Mr. Compton. I made some serious charges against them in my request. I have not followed up with that request because my brother in law, a retired attorney, told me that he believed that Mr. Leary and Mr. Compton were competent and that it would be a mistake for me to have them replaced. Sort of a "better the devil you know.." approach.
- (2) I understand that my husband will not be permitted to testify in my behalf. It is said he is not "competent". However, the psychological report from the psychologist at Lexington says only that my husband is unable to competently assist his lawyers. It remains silent regarding his ability to serve as a witness.
- (3) My husband was allowed to testify at the hearing held before Magistrate / Judge, the Honorable James E. Seibert, earlier this year.
- (4) The charges against me are so broad that it is nearly impossible for me to prepare a defense without the testimony of my husband.
- (5) The most recent indictment[the superseding indictment filed with the court on November 1st, 2011], says among other things :

" in or about at least August, 2007 that defendants BARTON JOSEPH ADAMS and JOSEPHINE ARTILLAGA ADAMS obtained knowledge and notice of the official proceeding referenced in paragraph 1." [that the DHHS had begun a proceeding to investigate that "the defendant BARTON JOSEPH ADAMS was engaged in health care fraud".]

Without my husband's testimony I cannot defend against this allegation except to say that it is not true. I have seen nothing in the thousands of pages of discovery that tells me how I "obtained knowledge and notice of the official proceeding" I would expect my husband to testify that he had no such knowledge or notice and that if he did he did not share them with me.

The indictment also says that I

"obtained a shell corporation known as Keyfield Ltd. In the British Virgin Islands."

Until recently I had never heard of Keyfield, Ltd. and my passport would establish that I have never been to the British Virgin Islands. I do not have the sort of education and experience which would enable me to form a shell corporation. I would expect that my husband would testify regarding what he knows, if anything, about Keyfield, Ltd.

The indictment further charges that I

"did knowingly and willfully combine, conspire... to violate Title 18, United States Code, Section 1512©(2)"

I would expect my husband to testify that this is untrue. If my husband had asked me to do anything that I thought was illegal or immoral I would have flatly refused to do so. I would expect my husband to testify that nothing I was asked to do could reasonably be considered illegal.

I have my doubts as to the authenticity of any document showing that I opened, negotiated and/or closed bank accounts. I had absolutely no idea that my husband was doing anything illegal. I saw him working hard in his medical clinic. I took care of our home, watched after our children and made sure that my husband could come home to a clean and comfortable home. I had no indication that he was doing anything illegal.

I would expect him to testify to that effect.

The charges in the subject indictment make many claims which would have been physically or mentally impossible for me to perform. I expect that my husband would so testify.

I do not know if my husband violated the law but it is obvious that he has been repeatedly denied the opportunity to have a trial to answer the charges. He has been held in custody since February, 2009, which has kept him from properly defending himself. My husband has told

me from the beginning that he did "nothing wrong". A great deal of effort has been expended by my attorneys and others to convince me that my husband did do something wrong. My brother in law, who has known my husband for twenty five years and who has thoroughly reviewed the massive number of documents which have accumulated in this case tells me that he believes that much of what the government has said in this case regarding "money laundering" and medical "fraud" misrepresents what actually happened.

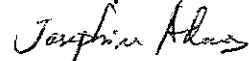
I have asked for a trial even though I run the risk of being convicted since I am not capable of understanding the charges against me.

I also want you to know that I did not reject the pre-trial diversion I was offered back in September of this year. I tried to avoid trial. I simply asked that the time on the agreement be four months rather than six

It is clear to me, my husband, my attorney and the prosecutors that I was indicted for the purpose of pressuring my husband into entering a plea. There is abundant documentary evidence proving this fact. I would expect my husband to testify to that effect.

In conclusion I believe that I cannot receive a fair trial without my husbands' testimony. Accordingly, I believe the charges against me should be dismissed until such time that my husband can testify. The government always has the ability to indict me again should my husband ever be competent to testify.

Sincerely



Josephine Adams

cc: Brendan S. Leary, Esq. by email  
Honorable William J. Ihlenfeld, II, Esq., by mail  
United States Attorney